

#4

| | |
|--|---|
| Response to Missing Requirements Under 35 USC § 371 | Attorney Docket No.: DAIRY88.005APC First Named Inventor: Craig Bell Int'l Application No.: PCT/NZ2003/000189 US Application No.: 10/525,835 Entered National Phase: February 25, 2005 Title: PRE-MIX FORMULATIONS COMPRISING INGREDIENTS FOR DAIRY PRODUCTS |
| | Direct all correspondence to Customer No.: 20995 |

Date: September 9, 2005
Page 1 of 2

Mail Stop PCT
 United States Patent and Trademark Office
 PO Box 1450
 Alexandria, VA 22313-1450

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: United States Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450, on

September 9, 2005

(Date)



Andrew N. Merickel, Reg. No.53,317

Applicant herewith submits to the US Designated/Elected Office (DO/EO/US) the following items and other information:

- (X) This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 USC 371.
- (X) Copy of the Notification of Missing Requirements under 35 USC 371 dated August 17, 2005.
- (X) An Oath or Declaration signed by the inventors (35 USC 371(c)(4)) in 2 pages.
- (X) Return prepaid postcard.

FILING FEES NOT YET PAID:

| FEE CALCULATION | | | | |
|--|---------------------|----------------|----------------------|--------------|
| FEE TYPE | | LARGE FEE | CALCULATION | TOTAL |
| Late Oath/Decl. | 37 CFR § 1.492(h) | 1617 (\$130) | | \$130 |
| Excess Claims | - = | 1615 (\$50) | x 50 = | \$0 |
| Excess Ind. Claims | - = | 1614 (\$200) | x 200 = | \$0 |
| Multiple Claim | 37 CFR § 1.492(f) | 1616 (\$360) | | \$0 |
| 1 Month Extension | 37 CFR § 1.17(a)(1) | 1251 (\$120) | | \$0 |
| 2 Month Extension | 37 CFR § 1.17(a)(2) | 1252 (\$450) | | \$0 |
| 3 Month Extension | 37 CFR § 1.17(a)(3) | 1253 (\$1,020) | | \$0 |
| 4 Month Extension | 37 CFR § 1.17(a)(4) | 1254 (\$1,590) | | \$0 |
| | | | SUB TOTAL | \$0 |
| The present application qualifies for Small Entity status under 37 CFR § 1.27. Fee reduced by 1/2. | | | | (\$0) |
| Late English Trans | 37 CFR § 1.492(i) | 1618 (\$130) | | \$0 |
| | | | TOTAL FEE DUE | \$130 |

- (X) A check in the amount of **\$130** is enclosed to cover the above fees.

09/22/2005 GFREY1 00000153 10525835

01 FC:1617

130.00 0P

**Response to Missing
Requirements Under
35 USC § 371**

Attorney Docket No.: DAIRY88.005APC
First Named Inventor: Craig Bell
Int'l Application No.: PCT/NZ2003/000189
US Application No.: 10/525,835
Entered National Phase: February 25, 2005
Title: PRE-MIX FORMULATIONS COMPRISING
INGREDIENTS FOR DAIRY PRODUCTS

Direct all correspondence to Customer No.: 20995

Date: September 8, 2005

Page 2 of 2

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 11-1410.



Andrew N. Merickel
Registration No. 53,317
Attorney of Record
Customer No. 20,995
(415) 954-4114

1918444
090805

DAIRY88.005APC ask

TFS/ANM (



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/525,835 | Craig Bell | DAIRY88.005APC |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/NZ03/00189

20995
 KNOBBE MARTENS OLSON & BEAR LLP
 2040 MAIN STREET
 FOURTEENTH FLOOR
 IRVINE, CA 92614

| | |
|-----------------|---------------|
| IA. FILING DATE | PRIORITY DATE |
| 08/26/2003 | 08/26/2002 |

CONFIRMATION NO. 9612
 371 FORMALITIES LETTER
 OC000000016795455
 OC000000016795455

Date Mailed: 08/17/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/25/2005
- Copy of the International Search Report filed on 02/25/2005
- Copy of IPE Report filed on 02/25/2005
- Copy of Annexes to the IPE filed on 02/25/2005
- Preliminary Amendments filed on 02/25/2005
- U.S. Basic National Fees filed on 02/25/2005
- Priority Documents filed on 02/25/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.16(f) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 308-9140 EXT 213

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/525,835 | PCT/NZ03/00189 | DAIRY88.005APC |

FORM PCT/DO/EO/905 (371 Formalities Notice)